
TRANSCRIPTION OF VIDEO RECORDING
City of Kelowna - Council Meeting

Excerpt: Item 3.1

July 22, 2024

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1 CITY OF KELOWNA - COUNCIL MEETING

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5 (EXCERPT FROM PROCEEDINGS)

6 (EXCERPT BEGINS AT 1:19:27)

7 T. DAYAS: Thank you. Just going to call this meeting back to
8 order.

9 City clerk, please.

10 L. BENTLEY: Thank you, Worship.

11 And so we are going back in the agenda to
12 item 3.1, which was deferred from earlier. This
13 is a reconsideration of a business licence for a
14 property on Bernard Avenue.

15 And just before staff present, Your Worship,
16 just a bit of context for council: The business
17 licence manager has the authority to consider and
18 issue or deny business licence applications.
19 Should an application be denied, the applicant has
20 the right to request that council reconsider that
21 decision. And so that's the request that's before
22 council today.

23 And so, procedurally, staff will provide a
24 presentation. Council may ask questions of staff.
25 And then the applicant also has a presentation to

1 make to -- to council. And council may ask
2 questions of the applicant.

3 And so, first, a staff presentation from
4 development planning.

5 T. DAYAS: Thank you.

6 Dean.

7 D. STRACHAN: Thank you, Worship.

8 So the subject request for reconsideration is
9 for a business licence for rooming house -
10 private. The subject property had a business
11 licence on it in 2021. The business licence was
12 not renewed in 2022. In 2023 they made a new
13 application for a business licence, and that's the
14 application that's being appealed to council.
15 That business licence was denied because the
16 zoning bylaw had changed and was no longer an
17 allowable use. Which is why we're before council
18 today.

19 Thank you, Worship.

20 T. DAYAS: Thank you.

21 Council, do we have any questions of staff at
22 this point in time?

23 Seeing none, city clerk, please.

24 L. BENTLEY: Thank you, Worship.

25 This would be the applicant's opportunity to

1 address council. And we'll just pull up the
2 applicant's presentation as well.

3 And so the applicant -- if you could start by
4 stating your name and address and then starting
5 with 15 minutes to present. And then council may
6 have questions for you following that.

7 D. AXLE: Good afternoon, Council and Mayor --

8 T. DAYAS: Good afternoon.

9 D. AXLE: -- and anybody viewing online. I just want to
10 confirm that you guys have those books that my
11 kids made.

12 T. DAYAS: Yes. The books -- the books are here. And we just
13 need your name and address, please.

14 D. AXLE: Sure. Name is Dennis Axle Hildebrand. And the
15 address is 911 Bernard Avenue, Kelowna.

16 T. DAYAS: Thank you.

17 D. AXLE: I just want to sort of respond to what I just heard
18 there, the authority to deny an application as
19 part of the duties and powers conferred by the
20 government to the staff. Not included in those
21 powers is the authority to cancel a business
22 licence. And there are some exceptions. Business
23 licences can be cancelled for safety reasons or if
24 it's a prohibition.

25 And in this case, I have understanding that

1 the provincial legislation has provided the City
2 of Kelowna the powers to regulate short-term
3 rentals, and that includes making decisions in the
4 realms of regulation, not prohibition. And in my
5 case, it seems like there could be a mistake
6 because there was a cancellation without any
7 notification.

8 And indeed, in the time frame of
9 November 26th, 2021, I was involved in a motor
10 vehicle accident and my mental health was quite
11 affected. And I do have a doctor's note to that
12 effect, which I don't really feel like posting
13 online. And that is on your tab [indiscernible].
14 And I believe there's also a duty for the City to
15 accommodate. And I did provide that extenuating
16 circumstance to the city clerk and the contact
17 person in regards to my mental health at that
18 time, which was the end of 2021, which means the
19 renewal should be coming out.

20 One thing that did happen in --
21 during 2020, '21, during that COVID time, is,
22 unbeknownst to me, the invoice delivery method had
23 been changed for the first time in 10 years to
24 online. And it was during that time that I was
25 having health issues that I didn't bother checking

1 my email.

2 I think it's important to consider that the
3 magnitude of the -- the decision that was made is
4 quite large, and it impacts our family. And not
5 checking an email -- I feel that's unfair to have
6 a business licence cancelled because of that. I'm
7 just going by my experience.

8 As a property owner, I've received registered
9 mail. I've been served before. I've lost mail.
10 But I don't feel it's fair to not check an email
11 and then have not only my business licence
12 cancelled without notice, out of the blue, but
13 also have the zoning to my property changed.

14 So I just want you guys to open up your books
15 to page 1. And this is -- the reason I wrote
16 this -- added this slide here, which is bylaw
17 number 740, is it dates back to a time of my
18 house, rooming house/boarding house, built
19 in 1904, 1905. And it was during those times that
20 the City of Kelowna council first passed their
21 bylaw and registered it in the courthouse of
22 Vernon in 1938. The house was already doing
23 business for -- already for over 30 years at that
24 time.

25 And it was the consideration of the council

1 at that time, having due regard to the value of
2 the land and the nature of its use and occupancy.
3 It was a time when there was no such label as
4 "short-term rental." An apartment building would
5 be accommodation provided for whatever time frame
6 it was necessary, sort of like what the farm
7 rentals or farm buildings -- they're just there
8 for the people of the town.

9 In that time, their population was
10 around 500. And of the 500, there was only one
11 doctor. People came to Kelowna to pick fruit and
12 stay in a place like this apartment building. An
13 apartment building at that time was called an
14 "apartment house." And included in there is
15 "lodging house."

16 When the bylaw changed, unbeknownst to me,
17 I -- I was recovering from a serious injury. As
18 you can see on this tabulation 4, it describes how
19 these apartment hotels or in this
20 apartment-housing type house -- how the
21 elimination of the new -- the -- the adoption of
22 the new zoning eliminated the -- that principal
23 commercial use. And I just want to make you guys
24 know it's very much a commercial building. I pay
25 commercial rates. I pay a lot more taxes. I have

1 another type of financing I was required to pay,
2 including the insurances -- all commercial.

3 So with the removal of the apartment house --
4 housing hotels, the definition was changed to
5 "short-term accommodation" and references revised
6 accordingly. It's important to understand that
7 when I bought this property in 2010, I understood
8 what I was buying. I had it appraised, and I made
9 an investment. And that use, that vested use of
10 that property as intended was a rooming house.

11 I'm going to refer to page -- tab 5. Oops.
12 How do I go back? Tab 5. Okay. Tab 5 is the
13 very first building permit for the building. It's
14 building permit 1805. That was the 1805th
15 building permit issued in the city of Kelowna, and
16 it was the very first building permit for that
17 particular property and that house. And it's very
18 clearly stated that it is a rooming house. And it
19 was taken out by Roy Stolz, who is the owner of
20 the Acorn Music, which is now quite big.

21 In 1954 the principal use of that building
22 permit was rooming house, and it was \$9,000. Just
23 a quick Google search reveals that 9,000 is over a
24 hundred thousand dollars. So considering the size
25 of the house and the fact that this fellow did

1 most of the work himself, it's reasonable to
2 believe that a hundred thousand dollars could
3 alter a farmhouse and make it more like an
4 apartment house or a rooming house.

5 There's been some notations in the staff
6 report that the property has illegal kitchens. I
7 wish to address that and just also put some
8 attention onto the well-established use of this
9 building as an apartment building. Records in the
10 library, City of Kelowna directory include -- on
11 tab 1, page 3 -- this would be considered the
12 Google search of the day. The apartment
13 buildings. They call it "Bernard Lodge." And
14 this was about two years after Roy Stolz took out
15 the permit to construct a rooming house.

16 Tab 7. I'd like you guys to have a -- take a
17 look at that. Where is tab -- tab 7. This
18 definition here was, I believe, in 1976. They
19 defined the boarders and lodgers as "paying
20 guests." I just wanted you guys to understand
21 that because of the definition. It's important, I
22 believe, to understand that the City may have
23 specific definitions for boarders, lodging, and
24 include relations to family. It -- the definition
25 must fit the layman's definition, and if the City

1 is going to have different definitions for what a
2 boarder means, we're going to have to look back at
3 the intended use and the intended type of
4 occupancy.

5 I also want to move along to tabular 21.
6 Page 2. Now, this -- not invoice. This notice
7 was -- come off the internet e-post. I did not
8 receive this by mail because, like I was saying,
9 the invoice delivery method had been changed to
10 online without my notification or request. This
11 isn't the first time that people or institutions
12 have tried to go on -- make e-billing. But I've
13 always been asked, do you want to do e-billing?
14 And I've never ever once said that I want only
15 e-billing. And the reason, part of that -- it has
16 to do with my disability, which -- I'm not going
17 to post it, but it's just one page back on tab 21.
18 My doctor addressed the city clerk on June 21st,
19 addressing my protected disability and my
20 accommodation needs.

21 And part of the City policy includes, on this
22 business licence renewal, the penalty fee will be
23 applied to late business licence. That never
24 happened. On page 2 the outstanding amount was
25 not charged nor was an invoice sent.

1 Tab 21 is just the very first business
2 licence initial application where it's very
3 clearly noted with the arrow that I will have my
4 business licence mailed to Penticton, which is the
5 way it was up until COVID.

6 Tab 21 ... I haven't been able to get a
7 comment from the staff in regards to the
8 alteration of the account invoicing records.
9 It -- it's quite a serious offence to have account
10 records modified or changed, but this was what
11 happened. And I want to put some attention to
12 that.

13 On November 16th, 2022, I took a screenshot.
14 This is a couple -- a few months after the
15 cancellation of my business licence. And, as you
16 can see, there's a reminder dated February 9th
17 that was posted to the e-bill account. I didn't
18 see that reminder, but I did pay my business
19 licence for the -- in the 2021 year on or about
20 April 26th, 2021, which as you see on the bottom.
21 This screenshot is there to compare the two dates.
22 You can see that there's been some deletion of
23 account records on my account, password-protected
24 account. It's very disturbing to me. And it is
25 suspicious of bad faith, in my opinion.

1 Next tab has to do with the BC Assessment.
2 And the BC Assessment authorities consider this
3 property as a multi-residential building with
4 seven apartments. It's been said that the
5 property had illegal suites. I just want to bring
6 attention to that.

7 Also the fire department has been checking
8 this property for safety for over the 10 years
9 that I've been here in the class C apartment
10 buildings, and I've always kept the building safe.
11 And it also currently is.

12 Tab 20 speaks to the designation provided in
13 the zoning by the City. R9 zoning was a
14 classification specifically made for rooming
15 lodging houses. If you -- the building permits,
16 which there are about 20, align with this type of
17 zoning and this type of use.

18 The next tab shows bylaw 12375, and it shows
19 the zoning. My zoning was RM4, which is an
20 apartment building use. And I was -- the property
21 was rezoned without notification to me to MF2. By
22 viewing that, it's clear to see that by default of
23 that zoning change, I no longer had a legal
24 building. Overnight, my business that I was in
25 that day turned into illegal operation without any

1 notice.

2 Next tab talks about the MRDT. This is a tax
3 that the City of Kelowna receives for -- oh. This
4 is the beginning of your books. I think it's the
5 second or third page in. And it speaks to the
6 taxes that come as a result of lodging places in
7 BC. It's important to understand that this
8 doesn't say "long-term." It says "lodging." And
9 this is what I'm operating is a lodging house.
10 And it concerns me that the City continues to
11 collect money from my business operation and I do
12 not have a business licence.

13 T. DAYAS: Sir, just one moment, please. That is the normal
14 time that is up. But I know that you had
15 requested just with regards to trying to get your
16 information out. And also you had said from the
17 disability standpoint that it be extended. So I'm
18 going to extend that time another five minutes for
19 you, just so that you're aware. And just -- you
20 know, just know ahead of the time that it has been
21 extended for another five minutes. Thank you.

22 D. AXLE: Thank you, Your Worship.

23 T. DAYAS: Thank you.

24 D. AXLE: Okay. I will move along to the -- the highlights of
25 the building permits. At the end of each tab,

1 starting at about tab, I think it's the fourth,
2 you will see occupancy permits. And I don't want
3 to go through all the occupancy permits. But each
4 one of the additions and renovations was followed
5 up with their appropriate occupancy permit from
6 the City of Kelowna.

7 Okay. So I want to go to tab 14. And I've
8 spoken to staff about the business licensing
9 zoning. And I've spent an extensive time learning
10 about this because I couldn't afford a lawyer.
11 And at tab 14, section 12 speaks to the granting
12 and suspension of licences. Specifically, I would
13 like to look at F. And it reads that:

14 The suspension of a licence by the Licence
15 Inspector shall be made, in writing, signed
16 by the Inspector and served on the person
17 holding such licence or delivered to the
18 holder of such licence by registered mail.

19 That did not happen. And part of my petition or
20 reason to be here today is to request that
21 cancellation decision be considered because it --
22 yes, I wanted -- I did make a renewal; but before
23 the renewal, there was a cancellation. And it's
24 that cancellation which, I think, should have been
25 in front of the council and me being provided due

1 notice.

2 The types of reservations I've been receiving
3 as part of our business does not just include
4 short-term rentals. And I've provided tab 21 to
5 address and, for transparency, show to the council
6 that it is the type of service that is being
7 appreciated and accommodates to both long- and
8 short-term rentals for a reasonable rate.

9 I've also included a dictionary. It's the
10 *Black's Law Dictionary* from the library here. And
11 it speaks to, as the City put it, the reason why I
12 wasn't notified was to do with the number of
13 citizens affected by the bylaw alteration. And
14 the definition of an alteration, just in layman's
15 terms -- I thought of it as getting something
16 changed on a piece of clothing. It's not a
17 completely new bylaw or change or zoning.

18 There is -- there is a material alteration
19 which, we can see, is in a physical sense.
20 However, the law makes it very clear when an
21 alteration happens to an instrument -- and in this
22 case, a bylaw -- and it affects a person's rights,
23 it becomes a material sense. And applications
24 that change the -- or motions by staff or council
25 that change the material form of a law and take

1 away a person's right to do business become a
2 spoliation, not an alteration, when the person
3 isn't made party or notified of that.

4 And it is that very significant definition
5 that I would like the council to understand. It
6 was -- it was not a simple alteration to change my
7 zoning. It removed the principal, primary,
8 commercial use, which was permitting rooming
9 house, boarding house, private nursing house.
10 And -- and the fact was when I bought this
11 property, I was a licensed practical nurse. As a
12 result of my accident, I haven't renewed. But I'm
13 working on that.

14 The next slide shows an email provided by
15 Mr. Dean Strachan highlighting that it was under
16 the section number 7 that it was an alteration and
17 I wasn't notified.

18 The last thing I want to talk about is the
19 sea can on the property that was a result of my
20 partner coming. I will be asking for that -- to
21 have that until the end of July 2025. And I'm
22 asking from the City -- I demand one-half of the
23 cost that I've already spent for legal fees,
24 one-half of the missed work I've had, and one-half
25 of the office supplies and postage I've paid.

1 The half that I'm asking, because I'm -- want
2 to be reasonable and accept my part in this,
3 is 8,681.29, which is at the very final tab, 25.
4 And I want the issuance of my rooming house
5 licence for '22, '23, and '24, dismissal of all
6 outstanding bylaw notices relating to the property
7 use previously, and shipping use container
8 until '25 -- 2025.

9 T. DAYAS: Thank you. Thank you.

10 Council, do we have any questions? Oh, of --
11 which would -- of -- staff? Okay. We'll just
12 hold for a second then, if you can.

13 Thank you very much. You can -- you can go
14 back and sit in the gallery. And then if there's
15 something, I'll pull you up forward from there.
16 Thank you very much.

17 Questions of staff?

18 Councillor Singh.

19 M. SINGH: Thank you, Worship.

20 Thank you to the applicant for this detailed
21 presentation and going through the trouble of
22 putting these books together.

23 He did say -- and, Dean, I wondered if you
24 could speak to that. And I'm looking to the issue
25 of fairness here. The City gets money for taxes,

1 but he doesn't get a licence. What is he speaking
2 to? What is -- what is he saying?

3 D. STRACHAN: Your Worship, I believe he was saying that he
4 pays city taxes, which he does for the property.

5 M. SINGH: I mean, everybody who owns property has to pay
6 taxes. But he has no licence. Does that mean
7 he's paying extra? And with the -- no. So he's
8 just paying property taxes?

9 D. STRACHAN: Correct.

10 M. SINGH: Thank you.

11 T. DAYAS: Councillor Webber, please.

12 R. WEBBER: I -- I feel like he was talking about the money
13 being paid for the renting out. Anyway, that's
14 my -- that's -- anyway ...

15 I just was curious about rooming houses.
16 Like, that hasn't really come up in my little time
17 on council. Is there such a thing under the law
18 anymore in Kelowna -- a rooming house or a
19 boarding house?

20 D. STRACHAN: Your Worship, it was previously in the bylaw,
21 which was what it was developed under. It's no
22 longer in the zoning bylaw. And the change to the
23 zoning bylaw was a rezoning of the entire city to
24 the new zoning bylaw in 2022. And that reference
25 that was made was to that bylaw change. Because

1 that bylaw was comprehensive to the whole
2 community, the advertising and the notification
3 was done as a community-wide effort, not to
4 individual property owners. We didn't send every
5 individual in the community a letter telling them
6 what their zoning was changing.

7 R. WEBBER: Right.

8 D. STRACHAN: We just comprehensively provided over years'
9 worth of public hearings and opportunities for
10 open houses as well as advertising that the zoning
11 bylaw was changing.

12 R. WEBBER: I remember the process. And are there -- are
13 there any, then, no rooming houses, you know,
14 where an owner lives and they're rooming out --
15 they're renting out rooms? Are there no such
16 places anymore in Kelowna?

17 D. STRACHAN: Your Worship, there may very likely be. I don't
18 have that information in front of me.

19 T. DAYAS: Nola.

20 N. KILMARTIN: If -- I -- I just wanted to -- to interject.
21 So we've got boarding houses, lodging houses, and
22 group homes. But the -- the rooming house
23 designation is no longer in the bylaw. So it's
24 just the distinction between --

25 T. DAYAS: Those. Okay. Thank you.

1 D. STRACHAN: -- those. Thanks.

2 T. DAYAS: Councillor Stack, please.

3 L. STACK: Thank you, Dean.

4 There's a number of references in the -- in

5 the -- in the intervener's comments that the

6 business licence was cancelled. Was it cancelled,

7 or was it not renewed? There seems to be some

8 discrepancy in language here.

9 D. STRACHAN: Your Worship, so the fee for the business

10 licence was not paid. So when the fees are not

11 paid, the business licence is cancelled at that

12 point. So as the -- we do this annually. If your

13 fee isn't paid, we give you so many months to pay

14 it. And then if it doesn't get paid, we just

15 cancel the licence.

16 L. STACK: Okay. So both terms are actually accurate in this

17 case.

18 D. STRACHAN: Correct.

19 L. STACK: The second is with all the adjustments that the

20 Province and the City has made to short-term

21 housing rules, could this facility be legally

22 operated as a seven-unit, short-term rental

23 property?

24 D. STRACHAN: Your Worship, not at this point.

25 L. STACK: Thank you.

1 T. DAYAS: Councillor Cannan, please.

2 R. CANNAN: Thank you.

3 Thanks, Councillor Stack.

4 Similar clarification on the question on the

5 notification. So the City was mailing hard

6 copies, and then they changed to an email

7 notification; is that correct?

8 D. STRACHAN: Your Worship, that's my understanding is the

9 online system allows you to go in and change to

10 online if you wish. The account was changed for

11 that purpose.

12 R. CANNAN: So it was changed by the applicant or changed by

13 the City?

14 D. STRACHAN: Correct. By the applicant.

15 R. CANNAN: By the applicant. Okay.

16 And then prior to the new bylaw that came

17 into effect in 2022, bylaw 12375, which came in

18 effect September 26th, what was the actual zoning

19 on the property?

20 D. STRACHAN: It had a previous zoning, but it was changed to

21 the bylaw. So there was -- a legally

22 nonconforming status carries on as long as your

23 business licence is annually renewed. You still

24 carry that legally nonconforming status.

25 Unfortunately, because the licence was not

1 renewed, it carried forward into the new bylaw,
2 and it's not allowable use anymore.

3 R. CANNAN: Okay. So if he would have had his licence
4 renewed, we wouldn't be here today, then? Is that
5 it?

6 D. STRACHAN: There's a second part here, Worship. There's
7 kitchens that were added to it prior to this
8 property owner owning the property, which actually
9 made it no longer a rooming house. It made it an
10 apartment building. Those kitchens were done
11 without permits. They have been reviewed. They
12 have been deemed to be safe.

13 It was offered to the applicant to have it
14 converted to the seven-apartment building --
15 seven-unit apartment building, and we've accepted
16 that as a reasonable sort of alternative to doing
17 short-term rentals. However, the applicant wishes
18 to pursue the short-term rental option.

19 R. CANNAN: So you actually physically visited the site? Have
20 you visited the site?

21 D. STRACHAN: Your Worship, I've visited a couple of times. I
22 have not been into the building, but the fire
23 department has as well as our building inspectors.
24 There's been a number of building permits. So all
25 this information was provided.

1 R. CANNAN: I -- I have been inside, and I don't think
2 there -- more than 30 days would be -- it's not
3 really designed for that. But that's -- somebody,
4 I guess, could live in there, theoretically.

5 But you're saying that the sinks and the
6 washrooms do meet code now, and they're
7 satisfactory if -- if you wanted to rent them out
8 as a 30-day-or-more rental period?

9 D. STRACHAN: Your Worship, we offered for that opportunity to
10 rent them for long-term accommodation. It was
11 deemed to be substantively compliant with code to
12 the point of life safety so, in other words, safe
13 for people to occupy.

14 R. CANNAN: Okay. So whether it's 29 days or 31 days, it
15 doesn't really make any difference from a safety
16 perspective? It's -- they're safe?

17 D. STRACHAN: Correct.

18 R. CANNAN: Okay. So what would it take in order for him,
19 the -- the owner, to be able to rent a short-term
20 licence?

21 D. STRACHAN: Your Worship, he would look -- need to pursue a
22 rezoning for the property, an OCP amendment, to
23 make it a hotel and bring it up to code for a
24 hotel, which, with an older building, might be
25 very difficult to do.

1 R. CANNAN: And that wouldn't have been required if his
2 licence would have been renewed?

3 D. STRACHAN: Your Worship, the -- the nonrenewal of the
4 licence and the continuation and the effective
5 business licensing bylaw enforcement working with
6 the property owner as well as the shipper
7 container that was alluded to -- these things
8 brought us to the property.

9 R. CANNAN: Right.

10 D. STRACHAN: And we became aware of other components
11 including the kitchens that the City was aware of.
12 We'd done the annual fire inspections for them.
13 But it wasn't recognized that the rooming house
14 had actually been converted to an apartment
15 building at one point. We had no building permits
16 for that. So we did start that review process and
17 began looking at the property more closely.

18 R. CANNAN: Thank you.

19 T. DAYAS: And just probably along that lines [sic], if there
20 was even an application to look at changing this
21 into a commercial element where it became a hotel,
22 there's a whole different set of bylaws with
23 regards to that, is there not? Sprinklers and
24 everything else that would have to be met, which
25 is almost a revamping of the whole building?

1 D. STRACHAN: Your Worship, all the entryways, all of the
2 staircases, all of the fire protection -- all of
3 those components would come to play.

4 T. DAYAS: Thank you.
5 Councillor Hodge.

6 C. HODGE: Thank you, Mr. Mayor.
7 This is getting -- I'm getting a clearer
8 picture here now. Is our only notification, then,
9 by email for this sort of scenario? Did I hear
10 that? Our -- our notifications are all by email
11 now? There's no --

12 D. STRACHAN: If you --

13 C. HODGE: There's no mail or --

14 D. STRACHAN: -- request it, yes.

15 C. HODGE: Do we get much pushback -- pushback by that? Like,
16 not everybody is savvy on email. Do we get much
17 pushback on that?

18 D. STRACHAN: Your Worship, if you choose to do that. You
19 don't have to choose to do that.

20 C. HODGE: The applicant --

21 D. STRACHAN: You can choose to have paper sent to you as
22 well.

23 C. HODGE: You can?

24 D. STRACHAN: Yeah.

25 C. HODGE: How do you -- I thought you just said the only form

1 is by email.

2 D. STRACHAN: No. If you request it, that's what happens. So

3 if you go onto our online system and you request

4 that you receive your notifications by email,

5 that's how you receive them.

6 C. HODGE: Okay. All right. Thank you.

7 And a comment I just want clarification on

8 again. There was a comment made from the staff.

9 But there is a difference between a rooming house

10 and a roommate. A house can have somebody own it

11 and have a roommate. But a rooming house -- is

12 that not for, like, more than one -- like, several

13 roommates? That's a rooming house. Is a rooming

14 house not more than one person? Or what's the

15 definition of a rooming house?

16 D. STRACHAN: Your Worship, the -- the -- the older definition

17 for that would be renting out rooms for people to

18 stay in whereas a roommate would be having a unit

19 which has multiple people that share that unit.

20 So that would be the difference.

21 C. HODGE: Right. So it's a difference. A rooming house has

22 several people renting rooms. Or more than one,

23 anyway.

24 D. STRACHAN: And the key component is supposed to be that it

25 shares a single kitchen for the entire building.

1 C. HODGE: Okay.

2 D. STRACHAN: And that's the difference between an apartment
3 and a rooming house is you're just renting a room,
4 not a room with cooking facilities.

5 C. HODGE: Good. Thank you.

6 T. DAYAS: Councillor Lovegrove, please. Questions?

7 G. LOVEGROVE: Yeah. Your Worship, I think most of my
8 questions have been asked. I just really want to
9 make sure I've got what Councillor Cannan asked
10 correct.

11 So the date of the crash and leading to the
12 health issues, the -- whether or not the applicant
13 requested email or -- or not, he missed the
14 renewal notice because of his health issues. Is
15 that consistent with your records? Around the
16 same date?

17 D. STRACHAN: Correct, Your Worship. It was during the 2022
18 year that it was identified. The business licence
19 had not been paid, which is why it led to the
20 cancellation. We don't send letters out to
21 anybody who has an outstanding fee of less
22 than \$50 because of the cost of sending those
23 notices and preparing those notices. So the City
24 policy is if it's less than \$50, we don't pursue
25 the outstanding money.

1 G. LOVEGROVE: And how is the cancellation delivered?
2 D. STRACHAN: It's just cancelled in their system.
3 G. LOVEGROVE: Cancelled. So --
4 D. STRACHAN: So because it's less than \$50 in value, we don't
5 send you a letter.
6 G. LOVEGROVE: Okay. Okay. Sorry. And I -- I don't mean to
7 question that. I just -- one of the tabs showed a
8 bylaw that's -- the wording said we make it in
9 writing or -- or some more formal notice of -- of
10 that cancellation. I just want to be consistent.
11 I don't know if some of you remember what tab
12 that was.
13 But I just want to -- did we -- well, maybe
14 I'll make it simpler. We followed the letter of
15 our bylaw on cancellation of the building permit?
16 D. STRACHAN: Correct.
17 G. LOVEGROVE: Okay. So we followed our policy. Okay.
18 That's probably the more -- easier way to do that.
19 If that building permit had been renewed, so,
20 in other words, if the notice had been received
21 and the building licence was renewed, would this
22 be a legal nonconforming, still?
23 D. STRACHAN: Your Worship, we may not have been aware of the
24 things we became aware of when bylaw enforcement
25 attended the property. So as a result of bylaw

1 enforcement attending the property for the
2 shipping container, because the shipping container
3 was located in the lane, we became aware of things
4 that we were not aware of before. So we likely
5 would have maintained that non-awareness for a
6 period of time.

7 G. LOVEGROVE: Fair enough. So --

8 D. STRACHAN: We can't predict when we would have become
9 aware.

10 G. LOVEGROVE: Fair comment. Okay. So you went there,
11 discovered things. And then back to health and
12 safety: The inspections subsequent have seen
13 things that technically are -- are safe?

14 D. STRACHAN: Your Worship, the fire department does an annual
15 inspection of all apartment buildings. So this
16 was on their list. So every year they have the
17 fire department go out and do an inspection just
18 for safety reasons. And that's continued to
19 happen.

20 G. LOVEGROVE: Okay.

21 D. STRACHAN: So we have a record with the fire department
22 that they've visited annually and certified that
23 it was safe for occupancy.

24 G. LOVEGROVE: Okay. So the rub here is a missed business
25 licence renewal but also now nonconforming form of

1 use. And staff are recommending -- or were hoping
2 the appellant would work with you on an apartment
3 zoning. Is that a fair -- but the short-term
4 rental is the appellant's preference?

5 D. STRACHAN: Your Worship, in 2023 and again in 2024, we
6 offered to accept it as a seven-unit apartment
7 building --

8 G. LOVEGROVE: Yeah. Okay.

9 D. STRACHAN: -- and allow it to proceed under that use --
10 recognize it as a formal apartment building. The
11 applicant, unfortunately, did not want to pursue
12 that and denied both of those offers.

13 G. LOVEGROVE: Okay. Thank you.

14 T. DAYAS: Thank you. So seeing no further questions, I'm
15 going to have the city clerk read out the staff
16 recommendation, please.

17 L. BENTLEY: Thank you, Your Worship.

18 And just to summarize some of staffs'
19 comments which are the reasoning for the
20 recommendation, that regardless of the
21 cancellation or a non-renewal of a business
22 licence, the use of a boarding and lodging house
23 or rooming house is not considered lawful
24 non-conforming because of the existence of
25 kitchens in the building. So that's not

1 consistent with that -- that use.

2 T. DAYAS: Yeah.

3 L. BENTLEY: So just based on that, the recommendation is that

4 council uphold the decision of the licence

5 inspector to refuse issuance of a business licence

6 for a rooming house private business on the

7 subject property located at 911 Bernard Avenue on

8 April -- the application was from

9 April 24th, 2023.

10 T. DAYAS: Do I have a mover? Do I have a mover?

11 Moved by Councillor Stack. Seconded by

12 Councillor DeHart.

13 Any further discussion?

14 Councillor Lovegrove.

15 G. LOVEGROVE: A little late. But can I just get the clerk to

16 confirm the consequences of this decision we're

17 about to make? Can staff still work with -- if --

18 if we approve this recommendation, can staff still

19 work with the appellant on a possible --

20 UNIDENTIFIED SPEAKER: Yes.

21 G. LOVEGROVE: -- apartment rezoning?

22 UNIDENTIFIED SPEAKER: Yes.

23 G. LOVEGROVE: Yes? Okay.

24 UNIDENTIFIED SPEAKER: Yes, yes.

25 G. LOVEGROVE: Then I'll support the motion, Your Worship.

1 T. DAYAS: Thank you. So this is moved by Councillor Stack,
2 seconded by Councillor DeHart. Seeing no further
3 questions, all in favour?

4 Opposed?

5 Carried unanimously. Thank you.

6 And thank you to the applicant for the time
7 that they spent putting together that information.
8 Very much appreciated. And it's -- probably the
9 direction is just to work with staff as much as
10 possible in order to allow the property to be
11 conforming to regulations. Thank you.

12 **(EXCERPT ENDS AT 1:59:57)**

1 **REPORTER CERTIFICATION**

2

3 I, Zoe Leung, Official Reporter in the

4 Province of British Columbia, Canada, do hereby

5 certify:

6

7 That the proceedings were transcribed by me

8 from audio provided of recorded proceedings, and

9 the same is a true and correct and complete

10 transcript of said proceedings to the best of my

11 skill and ability.

12

13 IN WITNESS WHEREOF, I have hereunto

14 subscribed my name on this day, the 17th of

15 October, 2024.

16

17

18 

19 _____

20 Zoe Leung

21 Official Reporter

22

23

24

25

\$	29 ^[1] - 22:14	3:13, 3:15, 8:7, 14:5 addressed ^[1] - 9:18 addressing ^[1] - 9:19 adjustments ^[1] - 19:19 adoption ^[1] - 6:21 advertising ^[2] - 18:2, 18:10 affected ^[2] - 4:11, 14:13 affects ^[1] - 14:22 afford ^[1] - 13:10 afternoon ^[2] - 3:7, 3:8 agenda ^[1] - 1:11 ahead ^[1] - 12:20 align ^[1] - 11:16 allow ^[2] - 29:9, 31:10 allowable ^[2] - 2:17, 21:2 allows ^[1] - 20:9 alluded ^[1] - 23:7 almost ^[1] - 23:25 alter ^[1] - 8:3 alteration ^[8] - 10:8, 14:13, 14:14, 14:18, 14:21, 15:2, 15:6, 15:16 alternative ^[1] - 21:16 amendment ^[1] - 22:22 amount ^[1] - 9:24 annual ^[2] - 23:12, 28:14 annually ^[3] - 19:12, 20:23, 28:22 anyway ^[3] - 17:13, 17:14, 25:23 apartment ^[22] - 6:4, 6:12, 6:13, 6:14, 6:19, 6:20, 7:3, 8:4, 8:9, 8:12, 11:9, 11:20, 21:10, 21:14, 21:15, 23:14, 26:2, 28:15, 29:2, 29:6, 29:10, 30:21 apartment-housing ^[1] - 6:20 apartments ^[1] - 11:4 appealed ^[1] - 2:14 appellant ^[2] - 29:2, 30:19 appellant's ^[1] - 29:4 applicant ^[14] - 1:19, 1:25, 2:2, 3:3, 16:20, 20:12, 20:14, 20:15, 21:13, 21:17, 24:20, 26:12, 29:11, 31:6 applicant's ^[2] - 2:25, 3:2	application ^[7] - 1:19, 2:13, 2:14, 3:18, 10:2, 23:20, 30:8 applications ^[2] - 1:18, 14:23 applied ^[1] - 9:23 appraised ^[1] - 7:8 appreciated ^[2] - 14:7, 31:8 appropriate ^[1] - 13:5 approve ^[1] - 30:18 April ^[3] - 10:20, 30:8, 30:9 arrow ^[1] - 10:3 Assessment ^[2] - 11:1, 11:2 AT ^[2] - 1:6, 31:12 attended ^[1] - 27:25 attending ^[1] - 28:1 attention ^[3] - 8:8, 10:11, 11:6 audio ^[1] - 32:8 authorities ^[1] - 11:2 authority ^[3] - 1:17, 3:18, 3:21 Avenue ^[3] - 1:14, 3:15, 30:7 aware ^[8] - 12:19, 23:10, 23:11, 27:23, 27:24, 28:3, 28:4, 28:9 awareness ^[1] - 28:5 AXLE ^[6] - 3:7, 3:9, 3:14, 3:17, 12:22, 12:24 Axle ^[1] - 3:14	billing ^[3] - 9:12, 9:13, 9:15 bit ^[1] - 1:16 Black's ^[1] - 14:10 blue ^[1] - 5:12 boarder ^[1] - 9:2 boarders ^[2] - 8:19, 8:23 boarding ^[4] - 15:9, 17:19, 18:21, 29:22 books ^[6] - 3:10, 3:12, 5:14, 12:4, 16:22 bother ^[1] - 4:25 bottom ^[1] - 10:20 bought ^[2] - 7:7, 15:10 bring ^[2] - 11:5, 22:23 British ^[1] - 32:4 brought ^[1] - 23:8 building ^[35] - 6:4, 6:12, 6:13, 6:24, 7:13, 7:14, 7:15, 7:16, 7:21, 8:9, 11:3, 11:10, 11:15, 11:20, 11:24, 12:25, 21:10, 21:14, 21:15, 21:22, 21:23, 21:24, 22:24, 23:15, 23:25, 25:25, 27:15, 27:19, 27:21, 29:7, 29:10, 29:25 buildings ^[4] - 6:7, 8:13, 11:10, 28:15 built ^[1] - 5:18 business ^[35] - 1:13, 1:16, 1:18, 2:9, 2:10, 2:11, 2:13, 2:15, 3:21, 3:22, 5:6, 5:11, 5:23, 9:22, 9:23, 10:1, 10:4, 10:15, 10:18, 11:24, 12:11, 12:12, 13:8, 14:3, 15:1, 19:6, 19:9, 19:11, 20:23, 23:5, 26:18, 28:24, 29:21, 30:5, 30:6 buying ^[1] - 7:8 bylaw ^[26] - 2:16, 5:16, 5:21, 6:16, 11:18, 14:13, 14:17, 14:22, 16:6, 17:20, 17:22, 17:23, 17:24, 17:25, 18:1, 18:11, 18:23, 20:16, 20:17, 20:21, 21:1, 23:5, 27:8, 27:15, 27:24, 27:25 bylaws ^[1] - 23:22
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